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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,847

09/28/2006

Volker Gedenk

204-008

2450

47988

7590

05/14/2008

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EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,847	Applicant(s) GEDENK ET AL.	
	Examiner Christopher P. Schwartz	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response filed February 19, 2008 has been received and considered. Claims 9-25 are now currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 9,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drescher et al. in view of Pohlmann et al. or Leonard.

Regarding claims 9 and 18, as previously discussed, Drescher et al. shows a spring comprising an elastic spring body having a plurality of ribs at 6 and 7.

Lacking is a showing of the spring being rotationally symmetric and the arrangement of the ribs as claimed.

Pohlmann et al. Shows another air spring having an intersecting rib arrangement at 8.

Leonard shows an intersecting rib arrangement (and known supports at 2,3) in figure 1, but it is not specifically identified. See the bottom half of the bellows 8.

Spherical springs are notoriously well known in the art and are application specific. Although not applied see for instance the symmetrical springs 11 and 21 in the cited patent to Moulton.

One having ordinary skill in the art at the time of the arrangement would have found it obvious to have modified the spring of Drescher et al. to take on a symmetrical shape and to have modified the rib structure, as claimed, dependent upon the stiffness required from the spring and the specific application for the spring.

5. Claims 10-17,19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drescher et al. in view of Pohlmann et al. or Leonard, as applied to claims 9 and 18 above, and further in view of Fukumura et al.

Regarding claims 10,19 Drescher et al., as modified, lacks a showing of a coating applied to the elastic spring body.

Fukumura et al. Teaches this known idea in col. 3 lines 47-57 for the purpose claimed.

It would have been obvious to have applied such a coating to the spring (and ribs) of Drescher et al., as modified, for this reason.

The limitations of the rest of the claims are met in light of the combined teachings of the references above.

6. Claims 9 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over the Korean publication 20-0032657 (KR '657) in view of Pohlmann et al. or Leonard.

Regarding claims 9 and 18 KR '657 shows a similar spring to that of applicant's in figure in the last figure of the document (it appears to be figure 5-- showing two springs supporting a chair).

Although it appears to be very similar to that of applicant's, lacking is a specific description of the rib arrangement.

However Pohlmann et al. Shows a similar air spring having an intersecting rib arrangement at 8.

Leonard shows an intersecting rib arrangement (and known supports at 2,3) in figure 1, but it is not specifically identified. See the bottom half of the bellows 8.

Spherical springs are notoriously well known in the art and are application specific. Although not applied see for instance the symmetrical springs 11 and 21 in the cited patent to Moulton.

One having ordinary skill in the art at the time of the arrangement would have found it obvious to have modified the spring of KR '657 et al. to take on a symmetrical shape and to have modified the rib structure, as claimed, dependent upon the stiffness required from the spring and the specific application for the spring.

7. Claims 10-17,19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over KR '657. in view of Pohlmann et al. or Leonard, as applied to claims 9 and 18 above, and further in view of Fukumura et al.

Regarding claims 10,19 KR '657 as modified, lacks a showing of a coating applied to the elastic spring body.

Fukumura et al. Teaches this known idea in col. 3 lines 47-57 for the purpose claimed.

It would have been obvious to have applied such a coating to the spring (and ribs) of KR '657 as modified, for this reason.

The limitations of the rest of the claims are met in light of the combined teachings of the references above.

Response to Arguments

8. Applicant's arguments with respect to claims 9-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P. Schwartz/
Primary Examiner, Art Unit 3683

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